IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9029 of 2005

Between:

M/s. Maruti Transports, Rep. by its Managing Partner A.K. Chaityana, S/o. A.S.N. Murthy, Aged 28 Years, R/o. Flat No.6, Door No. 47-9-28, Mukundu Suvasa Apartments, Dwarakanagar, Visakhapatnam-16, Visakhapatnam District.

..... PETITIONER

AND

The Additional Registering Authority & Regional Transport Officer, Visakhapatnam, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of a Writ of Mandamus declaring the action of the respondent in not entering the correct Maximum Gross Vehicle Weight as 35,200 Kgs., in respect of the Petitioner's Semi-articulated vehicles bearing Temporary Registration Marks AP.31/AP TR 8579; AP 31/AP TR 8580; AP31/AP TR 8581; AP31/AP TR 8582; AP31/AP TR 8583; AP31/AP TR 8589; AP31/AP TR 8590; AP31/AP TR 8591; AP31/AP TR 8592 and AP31/AP TR 8610 at the time of issuing Temporary Registration Certificates in respect of the said vehicles as illegal, arbitrary and contrary to law and further direct the respondent to enter correct Maximum Gross Vehicle Weight as 35,200 Kgs., in the Registration Certificates as well as in permits to be issued in respect of the said Vehicles to enable the petitioner to carry Gross Vehicle Weight of 35,200 Kgs., in respect of the said vehicles forthwith.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondent: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent in not entering the correct Maximum Gross Vehicle Weight as 35,200 kgs. in respect of certain semi-articulated vehicles of the petitioner at the time of issuing temporary registration certificates as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport and perused the material on record.

Appropriate decision has to be taken by the respondent in accordance with the rules and circular instructions issued by the Central Government from time to time.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the respondent to take appropriate decision in accordance with the rules, notifications and circular instructions issued by the Central Government from time to time, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

21st April, 2005

bcj

To

1 The Additional Registering Authority & Regional Transport Officer, Visakhapatnam, Visakhapatnam District.

2 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

3 Two C.D. copies

Note: Furnish copy in four days

B/o

bcj